

**Executive Summary – Enforcement Matter – Case No. 49984**  
**Bell County Water Control and Improvement District No. 3**  
**RN101919215**  
**Docket No. 2015-0136-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Bell County WCID 3, located on the south side of State Highway 190, approximately one-half mile east of the intersection of State Highway 190 and Main Street, Nolanville, Bell County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 10, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$10,250

**Amount Deferred for Expedited Settlement:** \$2,050

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$8,200

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 49984**  
**Bell County Water Control and Improvement District No. 3**  
**RN101919215**  
**Docket No. 2015-0136-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** December 17, 2014

**Date(s) of NOE(s):** January 9, 2015

***Violation Information***

1. Failed to comply with permitted effluent limits for ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010797001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3].

2. Failed to collect and analyze effluent samples at the required frequency. Specifically, samples for *Escherichia coli* ("*E. coli*") were not collected for the months of June, July, August and September 2014 [30 TEX. ADMIN. CODE §§ 305.125(1), 319.4, and 319.5(b), and TPDES Permit No. WQ0010797001, Monitoring and Reporting Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. By July 26, 2014, repaired the clarifier;
- b. By December 31, 2014, updated the operational guidance and conducted employee training to ensure that all required sampling and analysis is accomplished, and began collecting and analyzing samples for *E. coli*; and
- c. By January 28, 2015, removed and hauled sludge and belt pressed solids to an authorized facility.

**Technical Requirements:**

The Order will require the Respondent to, within 90 days, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0010797001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance.

**Executive Summary – Enforcement Matter – Case No. 49984  
Bell County Water Control and Improvement District No. 3  
RN101919215  
Docket No. 2015-0136-MWD-E**

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Austin Henck, Enforcement Division,  
Enforcement Team 3, MC 169, (512) 239-6155; Melissa Cordell, Enforcement Division,  
MC 219, (512) 239-2483  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Richard Williams, President, Bell County Water Control and  
Improvement District No. 3, 303 North Main Street, Nolanville, Texas 76559  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	20-Jan-2015	<b>Screening</b>	27-Jan-2015	<b>EPA Due</b>	
	<b>PCW</b>	25-Jan-2016				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Bell County Water Control and Improvement District No. 3				
<b>Reg. Ent. Ref. No.</b>	RN101919215				
<b>Facility/Site Region</b>	9-Waco	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49984	<b>No. of Violations</b>	3
<b>Docket No.</b>	2015-0136-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Gregory Zychowski
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$10,000
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	15.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$1,500
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Notes: Enhancement for three months of self-reported effluent violations.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$1,250
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$845  
Estimated Cost of Compliance: \$10,350  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$10,250
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$10,250
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$10,250
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$2,050
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$8,200
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Screening Date 27-Jan-2015

Docket No. 2015-0136-MWD-E

PCW

Respondent Bell County Water Control and Improvement District No. 3

Policy Revision 4 (April 2014)

Case ID No. 49984

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101919215

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 15%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for three months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 15%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 15%

<b>Screening Date</b>	27-Jan-2015	<b>Docket No.</b>	2015-0136-MWD-E	<b>PCW</b>
<b>Respondent</b>	Bell County Water Control and Improvement District No. 3			
<b>Case ID No.</b>	49984	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN101919215	<i>PCW Revision March 26, 2014</i>		
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Gregory Zychowski			
<b>Violation Number</b>	<input type="text" value="1"/>			
<b>Rule Cite(s)</b>	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010797001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3			
<b>Violation Description</b>	Failed to comply with permitted effluent limits, as documented during a record review conducted on December 17, 2014, and shown in the attached violation table.			
			<b>Base Penalty</b>	<input type="text" value="\$25,000"/>

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Release</b>	<b>Harm</b>		
		Major      Moderate      Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
			<b>Percent</b>	<input type="text" value="5.0%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
			<b>Percent</b>	<input type="text" value="0.0%"/>
<b>Matrix Notes</b>	A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.			
			<b>Adjustment</b>	<input type="text" value="\$23,750"/>
				<input type="text" value="\$1,250"/>

<b>Violation Events</b>				
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="61"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="text" value="X"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
			<b>Violation Base Penalty</b>	<input type="text" value="\$1,250"/>
One quarterly event is recommended for the quarter containing the months of June 2014 and August 2014.				

<b>Good Faith Efforts to Comply</b>		<b>0.0%</b>		<b>Reduction</b>	<input type="text" value="\$0"/>
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	<input checked="" type="text" value="X"/>	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.				
			<b>Violation Subtotal</b>	<input type="text" value="\$1,250"/>	

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
	Estimated EB Amount	<input type="text" value="\$732"/>	Violation Final Penalty Total
			<input type="text" value="\$1,438"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$1,438"/>

# Economic Benefit Worksheet

**Respondent** Bell County Water Control and Improvement District No. 3  
**Case ID No.** 49984  
**Reg. Ent. Reference No.** RN101919215  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Jun-2014	16-Dec-2015	1.46	\$732	n/a	\$732

Notes for DELAYED costs

Delayed cost includes the estimated cost to repair the Facility clarifier, and to remove and haul sludge and belt pressed solids to an authorized facility. Date Required is the first date of noncompliance. Final Date is the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$732



Screening Date 27-Jan-2015

Docket No. 2015-0136-MWD-E

PCW

Respondent Bell County Water Control and Improvement District No. 3

Policy Revision 4 (April 2014)

Case ID No. 49984

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101919215

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010797001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on December 17, 2014, and shown in the attached violation table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended for the month of July 2014.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,313

This violation Final Assessed Penalty (adjusted for limits) \$4,313

# Economic Benefit Worksheet

**Respondent** Bell County Water Control and Improvement District No. 3  
**Case ID No.** 49984  
**Reg. Ent. Reference No.** RN101919215  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed cost is included in the Economic Benefit Worksheet for Violation No. 1.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 27-Jan-2015

Docket No. 2015-0136-MWD-E

PCW

Respondent Bell County Water Control and Improvement District No. 3

Policy Revision 4 (April 2014)

Case ID No. 49984

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101919215

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 319.4, and 319.5(b), and TPDES Permit No. WQ0010797001, Monitoring and Reporting Requirements No. 1

## Violation Description

Failed to collect and analyze effluent samples at the required frequency, as documented during a record review conducted on December 17, 2014. Specifically, samples for Escherichia coli ("E. coli") were not collected for the months of June, July, August, and September 2014.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as a result of the violation.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 4

122

Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$5,000

Four single events are recommended, one for each month.

## Good Faith Efforts to Comply

25.0%

Reduction \$1,250

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent achieved compliance by December 31, 2014.

Violation Subtotal \$3,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$113

Violation Final Penalty Total \$4,500

This violation Final Assessed Penalty (adjusted for limits) \$4,500

# Economic Benefit Worksheet

**Respondent** Bell County Water Control and Improvement District No. 3  
**Case ID No.** 49984  
**Reg. Ent. Reference No.** RN101919215  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	30-Jun-2014	31-Dec-2014	0.50	\$6	n/a	\$6
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all required sampling and analysis is accomplished. Date required is the first date of noncompliance. Final date is the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	30-Jun-2014	31-Dec-2014	1.42	\$7	\$100	\$107
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the cost of collecting and analyzing effluent samples for E. coli (4 missed samples x \$25 per sample). Date required is the first date of noncompliance. Final Date is the compliance date.

Approx. Cost of Compliance

\$350

TOTAL

\$113

**Bell County Water Control and Improvement District No. 3**

**Docket No. 2015-0136-MWD-E**

**TPDES Permit No. WQ0010797001**

**Effluent Parameter Violation Table**

	<b>Ammonia Nitrogen</b>		
	Daily Average Concentration	Daily Maximum Concentration	Daily Average Loading
<b>Month/Year</b>	Limit = 2 mg/L	Limit = 10 mg/L	Limit = 11 lbs/day
June 2014	10.4	14.1	20.2
July 2014	15	21.6	31.4
August 2014	9.9	15.3	19

lbs/day = pounds per day

mg/L = milligrams per liter



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## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600737761, RN101919215, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600737761, Bell County Water Control and Improvement District 3 **Classification:** SATISFACTORY **Rating:** 0.44

**Regulated Entity:** RN101919215, Bell County WCID 3 **Classification:** SATISFACTORY **Rating:** 0.44

**Complexity Points:** 4 **Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** located on the south side of State Highway 190, approximately one-half mile east of the intersection of State Highway 190 and Main Street, in Nolanville, Bell County, Texas

**TCEQ Region:** REGION 09 - WACO

**ID Number(s):**  
**WASTEWATER PERMIT** WQ0010797001 **WASTEWATER EPA ID** TX0069191

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** February 26, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 26, 2010 to February 26, 2015

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Greg Zychowski **Phone:** (512) 239-3158

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

- A. Final Orders, court judgments, and consent decrees:**  
N/A
- B. Criminal convictions:**  
N/A
- C. Chronic excessive emissions events:**  
N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	March 16, 2010	(833313)	Item 22	January 16, 2013	(1080853)
Item 2	April 08, 2010	(833314)	Item 23	February 07, 2013	(1080850)
Item 3	June 10, 2010	(847027)	Item 24	March 13, 2013	(1090200)
Item 4	July 12, 2010	(861509)	Item 25	March 18, 2013	(1080852)
Item 5	November 09, 2010	(888802)	Item 26	April 08, 2013	(1125870)
Item 6	December 15, 2010	(897160)	Item 27	June 13, 2013	(1111177)
Item 7	January 12, 2011	(985187)	Item 28	July 15, 2013	(1181407)
Item 8	March 16, 2011	(917179)	Item 29	August 26, 2013	(1125871)
Item 9	April 08, 2011	(985185)	Item 30	September 10, 2013	(1130416)
Item 10	April 12, 2011	(938873)	Item 31	October 16, 2013	(1136186)
Item 11	October 13, 2011	(972219)	Item 32	December 13, 2013	(1148023)
Item 12	November 16, 2011	(978380)	Item 33	January 16, 2014	(1154096)
Item 13	December 06, 2011	(985186)	Item 34	February 10, 2014	(1161422)
Item 14	January 11, 2012	(991461)	Item 35	March 11, 2014	(1168062)
Item 15	February 10, 2012	(1038839)	Item 36	April 10, 2014	(1175214)
Item 16	March 07, 2012	(1004342)	Item 37	May 07, 2014	(1181406)
Item 17	April 19, 2012	(1010905)	Item 38	June 10, 2014	(1219347)
Item 18	May 16, 2012	(1025065)	Item 39	October 14, 2014	(1213091)
Item 19	October 01, 2012	(1047734)	Item 40	November 17, 2014	(1219348)
Item 20	October 29, 2012	(1080851)	Item 41	December 10, 2014	(1225130)
Item 21	November 07, 2012	(1065454)			

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 06/30/2014 (1194086)	CN600737761	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 07/31/2014 (1199977)	CN600737761	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 08/31/2014 (1206682)	CN600737761	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
BELL COUNTY WATER  
CONTROL AND IMPROVEMENT  
DISTRICT NO. 3  
RN101919215**

**§        BEFORE THE  
§  
§  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2015-0136-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Bell County Water Control and Improvement District No. 3 ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located on the south side of State Highway 190, approximately one-half mile east of the intersection of State Highway 190 and Main Street in Nolanville, Bell County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 14, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Ten Thousand Two Hundred Fifty Dollars (\$10,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Two Hundred Dollars (\$8,200) of the administrative penalty and Two Thousand Fifty Dollars (\$2,050) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. By July 26, 2014, repaired the clarifier;
  - b. By December 31, 2014, updated the operational guidance and conducted employee training to ensure that all required sampling and analysis is accomplished, and began collecting and analyzing samples for *Escherichia coli* ("*E. coli*"); and
  - c. By January 28, 2015, removed and hauled sludge and belt pressed solids to an authorized facility.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010797001, Effluent Limitations and

Monitoring Requirements Nos. 1 and 3, as documented during a record review conducted on December 17, 2014, and shown in the violation table below:

Effluent Parameter Violation Table			
	Ammonia Nitrogen		
	Daily Average Concentration	Daily Maximum Concentration	Daily Average Loading
Month/Year	Limit = 2 mg/L	Limit = 10 mg/L	Limit = 11 lbs/day
June 2014	10.4	14.1	20.2
July 2014	15	21.6	31.4
August 2014	9.9	15.3	19

lbs/day = pounds per day

mg/L = milligrams per liter

- Failed to collect and analyze effluent samples at the required frequency, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 319.4, and 319.5(b), and TPDES Permit No. WQ0010797001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on December 17, 2014. Specifically, samples for *E. coli* were not collected for the months of June, July, August, and September 2014.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

- It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Bell County Water Control and Improvement District No. 3, Docket No. 2015-0136-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0010797001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a

written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Barbara Moore Jr.  
For the Executive Director

6/9/16  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Richard Williams  
Signature

3-28-2016  
Date

Richard Williams  
Name (Printed or typed)  
Authorized Representative of  
Bell County Water Control and  
Improvement District No. 3

President  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.